

PATENT

ATTY. DOCKET: ALLE-P12-US

Handwritten signature

MARK A. GARZIA, P.C.

A PROFESSIONAL CORPORATION

2058 CHICHESTER AVENUE
BOOTHWYN, PA 19061-3735

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RELATED MATTERS

ATTORNEY AT LAW
Admitted in PA and NJ
Registered Patent Attorney

Telephone: 610.485.9400
Facsimile: 610.485.7660
E-mail: mark@patentcounsel.net

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : ALLEY, Kenneth A.
TITLE : MULTI-COMPARTMENT INHALER
APPLICATION NO. : 10/799,059
FILING DATE : March 12, 2004
EXAMINER : 10/799,059
ART UNIT : 3761
ATTORNEY DOCKET NO. : ALLE-P12-US

TO: Mail Stop - AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER ACCOMPANYING
REPLY AND AMENDMENT TO OFFICE ACTION**

Dear Sir:

Transmitted herewith is a Reply and Amendment (13 pgs.) that is responsive to the Office Action dated November 1, 2004, in the above-captioned application.

[XX] Small entity status of this application pursuant to 37 C.F.R. §1.27(b) has been established.

[] It is believed that no extension of term is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a Petition for Extension of Time under 37 C.F.R. §1.136(a).

[XX] Applicant petitions for an Extension of Time under 37 C.F.R. §1.136 (fees: 37 C.F.R. §1.17(a) - (d) for the total number of months checked below:

Extension Months(s)	Fee For Other Than <u>Small Entity</u>	Fee For <u>Small Entity</u>
<input type="checkbox"/> 1 Month	\$120.00	\$ 60.00
<input type="checkbox"/> 2 Months	\$450.00	\$225.00
[XX] 3 Months	\$1,020.00	\$510.00
<input type="checkbox"/> 4 Months	\$1,590.00	\$795.00
<input type="checkbox"/> 5 Months	\$2,160.00	\$1,080.00

☐ A Terminal Disclaimer Pursuant to 37 C.F.R. § 1.321(b) and (c) is enclosed.

☐ An Assignment (pgs.) is enclosed.

☐ Assignment Cover Sheet (1 pg.)

☐ An Information Disclosure Statement Pursuant to 37 C.F.R. §§1.56, 1.97 and 1.98 (pgs.) is enclosed.

☐ Form PTO-1449.

☐ References

[XX] Fee Transmittal for FY2005 – Form PTO/SB/17 (1 pg.) is enclosed.

[XX] A postage-prepaid, self-addressed postcard for the PTO to acknowledge receipt of this communication is enclosed.

[XX] Other

[XX] New Figure 7 (1 pg.) is enclosed.

☐ Declaration Under 37 CFR §1.132 of (pgs.) is enclosed.

[XX] No additional claim fee is required.

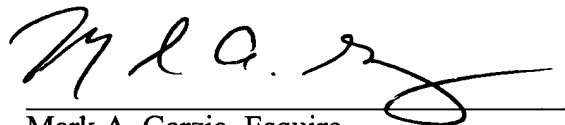
☐ Please charge my Deposit Account No. _____ in the amount of \$_____. Two copies of this transmittal are attached.

- ☐ Check No. _____ in the amount of \$____.00 to cover the extension fee is enclosed.
- ☐ The Commissioner is hereby authorized to charge any deficiency in fees associated with this communication, or credit any overpayment, to Deposit Account No. _____. Two copies of this transmittal are attached.
- ☒ Credit Card Payment Form PTO-2038 in the amount of \$510.00 (for Extension of Time) is enclosed to cover the fee due.

Respectfully submitted,

Kenneth A. Alley

Date: 2 MAY 2005

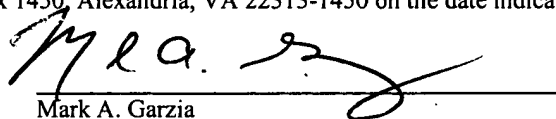


Mark A. Garzia, Esquire
Registration No. 35,517
Law Offices of Mark A. Garzia
2058 Chichester Ave.
Boothwyn, PA 19061
Telephone: (610) 485-9400

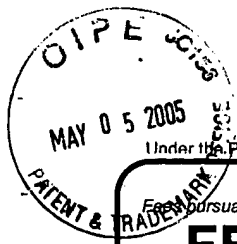
CERTIFICATE OF MAILING

I hereby certify that this communication, along with any paper or fee indicated as being enclosed, is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Mail Stop - AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

May 2, 2005
Date



Mark A. Garzia



Effective on 12/08/2004. Fee pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).		Complete if Known	
FEE TRANSMITTAL For FY 2005		Application Number	10/799,059
		Filing Date	March 12, 2004
		First Named Inventor	Kenneth A. Alley
		Examiner Name	Mital B. Patel
		Art Unit	3743
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Attorney Docket No.	ALLE-P12-US
TOTAL AMOUNT OF PAYMENT (\$)		510.00	

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____

☐ Deposit Account Deposit Account Number: _____ Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

8 - 20 or HP = 0 x 0 = 0

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims **Extra Claims** **Fee (\$)** **Fee Paid (\$)**

2 - 3 or HP = 0 x 0 = 0

HP = highest number of independent claims paid for, if greater than 3.

Multiple Dependent Claims

Fee (\$)	Fee Paid (\$)
0	0

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____	_____	_____	_____	0

_____ - 100 = _____ / 50 = _____ (round up to a whole number) x _____ = _____

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount) **Fees Paid (\$)**

Other (e.g., late filing surcharge): PETITION FOR 3-MONTH EXTENSION OF TIME **510.00**

SUBMITTED BY		
Signature		Registration No. 35,517 (Attorney/Agent)
Name (Print/Type)	Mark A. Garzia	Telephone 610.485.9400
		Date 2 May 2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.